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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

ABRAHAM BERGERSON

Case No.

Plaintiff,

v.

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION

LVNV FUNDING LLC, as assignee of
SEARS GOLD MASTERCARD

JURY REQUESTED

Defendant.

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

COMPLAINT

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PARTIES

4. Plaintiff Abraham Bergerson (hereinafter "Plaintiffs") is a natural persons who resides in the City of Tumwater, State of Washington, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant LVNV Funding, LLC. (hereinafter "Defendant") is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6). Defendant is not licenced to conduct business in the state of Washington.

FACTUAL ALLEGATIONS

6. Plaintiff obtained a Sears Gold Mastercard for his personal, family, or household use.

7. On our about December 13, 2002 Plaintiff obtained a loan from Whatcom Educational Credit Union and paid off his Sears credit card in full.

8. In 2008 Plaintiff received a summons and complaint notifying him that Defendant, as assignee of the Sears Gold Mastercard, had commenced a lawsuit against him in Thurston County District Court in an attempt to collect the paid off account.

9. Plaintiff answered Defendants complaint informing Defendant that the debt had been paid in full.

10. Despite Plaintiff's efforts Defendant continues to try to collect from Plaintiff.

11. As a direct and proximate result of Defendant's actions Plaintiff has suffered actual damages in the form of emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

TRIAL BY JURY

12. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692e, 1692e(2), 1692e(2)(A), 1692e(5), 1692e(10), and 1692f.

15. As a result of defendant's violations of the FDCPA, plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every

defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A)
against each and every defendant;
for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. §
1692k(a)(3) against each and every defendant;

DATED: March 26, 2009



Keith D. Karnes, WSB # 35000
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Attorney for Plaintiff